

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

FILED
AUG 06 2018
Clerk, U.S. District Court
District of Montana
Missoula

JENNIFER ANN HAMMONS,

Plaintiff,

vs.

NANCY BERRYHILL, Acting
Commissioner of Social Security,

Defendant.

CV 17-74-H-DLC-JTJ

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this case on May 31, 2018, recommending remand of this case for the ALJ to reexamine Ms. Hammons's credibility. No party has timely objected to the findings and recommendations, and so they have waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). The Court will therefore review the record for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

After reviewing the record and finding no clear error, this Court agrees with Judge Johnston's findings in full.

Accordingly, IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 12) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Ms. Hammons's Motion for Summary Judgment (Doc. 9) is GRANTED IN PART and DENIED IN PART. This case is REMANDED for the ALJ to reexamine Ms. Hammons's credibility in light of the Court's findings. On remand, the ALJ should give great weight to Ms. Hammons's VA disability determination, or provide persuasive, specific, valid reasons supported by the record for giving little weight to the VA determination.

DATED this 6th day of August, 2018.



Dana L. Christensen
Dana L. Christensen, Chief Judge
United States District Court